

**UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**



**INSTRUCTIONS FOR FILING A  
CIVIL ACTION  
ON YOUR OWN BEHALF**

AUGUST 2001

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# PREFACE

## INSTRUCTIONS FOR FILING A CIVIL ACTION ON YOUR OWN BEHALF

These instructions are designed to help you understand basic Court procedures in civil actions.

### **COURT STAFF CANNOT GIVE YOU LEGAL ADVICE.**

These instructions do not cover all circumstances, nor all types of cases. It is your responsibility to comply with the Federal Rules of Civil Procedure, the Local Rules of this Court and any statutes and rules which may apply to your particular case. These rules are available for your review in the Court's Law Library.

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for the Northern Mariana Islands  
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August 2001

## HOW TO FILE A COMPLAINT

The first step in filing a lawsuit is to prepare a complaint. The Court's law library has certain form books available for filing specific types of complaints, as well as a general complaint form. You are not required to use these forms, although you may find it helpful to look at them.

If you prepare your own complaint it must be typed or legibly handwritten. All pages should be 8 ½" by 11". The first page should begin with the case caption. The caption includes the name of the Court, the names of all the parties, and a blank space for the case number. The case number will be filled in by Court staff once a number has been assigned (*see Figure 1*). [your name, address, and telephone number must appear at the top of every document you file with the Clerk.]

The body of the complaint is made up of numbered paragraphs. Explain the facts of your claim, the legal basis, why you believe this Court has jurisdiction, and what relief you want. It is not necessary to cite specific cases. At the end, sign and date the complaint. Underneath your signature type or print your full name.

To file a lawsuit you must file an original and two copies of your complaint for the Court,

and one copy of the complaint for each defendant you name. You should keep a copy of the complaint for your own record. **ALL COPIES MUST BE IDENTICAL TO THE ORIGINAL.**

Along with your complaint you must submit a summons for the defendant and one copy of the summons for the Court (*see Appendix "A," AO Form 440, for a sample form*). You must have a summons for each defendant. Use the forms provided by the Court. Fill in the caption, leaving the case number blank. In

the space on the summons form for the name and address of plaintiff's attorney, fill in your own name and address. The number of days a defendant will have to answer the complaint will vary depending on the type of claim and the defendant. It is your responsibility to fill in the correct number of days the defendant(s) has for filing an answer. In most civil actions, if the defendant is not an agency, officer or employee of the United States, he or she will have twenty (20) days in which to

answer. If the defendant is an agency of the United States, or an officer or employee of the United States who is being sued for acts or omissions related to his/her employment, he or she will have sixty (60) days in which to answer.

**REMEMBER, THE TIME FOR FILING AN ANSWER RUNS FROM THE DATE**

Jane Doe P.O. Box 500000 Saipan, MP 96950 Tel: (670) 234-1234 Fax: (670) 234-4567	
<b>Pro Se Plaintiff</b>	
IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS	
JANE DOE	)
	) Civil Case No.:
Plaintiff	)
	) COMPLAINT
v.	) AND DEMAND FOR
	) JURY TRIAL
JOHN SMITH	)
	)
Defendant	)

FIGURE 1 - Sample Caption for Complaint

## THE COMPLAINT AND SUMMONS ARE SERVED, NOT THE DATE THEY ARE ISSUED.

You also must submit a civil cover sheet (*see Appendix "B," Form JS-44*). This is an information form which is used by the Court when opening your case. Ask for this form from the Office of the Clerk.

### FILING FEES

There is a filing fee of \$150.00 for most types of civil lawsuits. The fee must be paid at the time your complaint is filed. If you are paying by check or money order, it should be made payable to "Clerk, United States District Court, NMI." The Court cannot accept credit cards.

If you are unable to pay the filing fee you may file a motion for leave to proceed *in forma pauperis*. If the Court grants this request it means that you will not have to pay the filing fee at the time your complaint is filed (*see Appendix "C," AO Form 240 and Appendix "D," AO Form 240A*). Form motions for leave to proceed *in forma pauperis* are available from the Court. When completing the forms it is very important that you answer all questions relating to your income, assets, and liabilities. If you fail to provide complete and accurate information your request may be denied or you may be required to provide additional information. If your request is denied you will be allowed a reasonable amount of time to pay the fee.

### WHAT THE COURT DOES

If you submit the appropriate number of copies of the necessary forms, a case will be "opened." Opening a case involves assigning a case number, entering basic information on the Court's computerized docket system, and making a case file folder.

Once a case is opened, it is sent to a judge for his or her review. The judge will look at any motions filed with the complaint and frequently will look at the complaint to see if it contains all the necessary information. A judge may require you to supplement your complaint with additional information.

### SERVICE OF PROCESS

Service of process refers to notifying a defendant that a lawsuit has been filed, what it is about, and the time for filing a response. It must be done in a way specified by the Federal Rules of Civil Procedure and the Court's Local Rules. Generally, service requires giving the defendant a summons issued by the Court, a copy of the complaint, and copies of any motions or other documents filed along with the complaint. If there is more than one defendant, each defendant must be served.

If you file a motion for leave to proceed *in forma pauperis*, the Court will not issue a summons for the defendant(s) until a ruling is made on the motion. If you pay the filing fee, the summons may be issued either before or after the judge has had an opportunity to review the case. This will depend on a number of factors including the type of case and work load of the Court.

If you are granted leave to proceed *in forma pauperis*, the Court may ask the United States Marshal to serve the summons and complaint. If the Marshal is asked to make service you will be sent forms to fill out instructing him where to serve the complaint. It is your responsibility to provide the Court with a physical location address where service can be made on the defendant.

If you pay the filing fee when the summons(es) is issued, it will be returned to you along with the copies of the complaint for the defendant(s). It is your responsibility to see

that each defendant is served with the summons and complaint. The Marshal does not serve summonses and complaints in cases where the filing fee has been paid.

The procedures for effecting service are in Fed. R. Civ. P. 4.

The person who effects service is expected to file with the Court a “return of service,” which appears on the reverse side of the original Summons.

An alternative to serving a summons is to ask the defendant to waive service. The procedure for requesting waiver is set out in Fed. R. Civ. P. 4(d) (*see Appendix “E,” AO Form 398, and Appendix “F,” AO Form 399*).

**WARNING: IF SERVICE IS NOT MADE WITHIN 120 DAYS FROM THE DATE THE COMPLAINT IS FILED, THE CASE MAY BE DISMISSED. YOU MAY REQUEST AN EXTENSION OF THE 120-PERIOD IF YOU CAN SHOW GOOD CAUSE WHY SERVICE WAS NOT MADE.**

### WHAT HAPPENS AFTER SERVICE IS MADE

Once a defendant is served several things may happen: the defendant may file an answer; the defendant may file a motion; or the defendant may do nothing. Note: if there is more than one defendant a combination of these things may happen.

If the defendant files an answer the judge will issue a scheduling order. A scheduling order sets deadlines for doing or filing certain things in a particular case. It may include deadlines for completing discovery, filing motions, and/or filing status reports.

There are a number of different motions which may be filed before an answer is filed.

If the motion is a routine request for an extension of time in which to answer it will most likely be granted unless you promptly file an opposition and have a good reason why it should not be granted. For more substantive motions, unless directed otherwise, you will be allowed 14 days to file a response. You may request an extension of time in which to file a response.

If the defendant files nothing within the time for filing a response, you may request entry of default judgment under Fed. R. Civ. P. 55.

### DISCOVERY

A scheduling order may contain a deadline for the completion of discovery. Discovery is the process of obtaining information and evidence relevant to your case. There are many different ways to obtain discovery. The most common are: interrogatories (written questions), requests for production of documents, and depositions (a recorded questioning of a potential witness under oath). Most discovery requests are directed to parties in the case, although under certain circumstances discovery can be obtained from non-parties. Discovery is governed by Fed.R.Civ.P. 26 through 37 and the Court’s Local Rules.

If your case is one in which discovery occurs there are certain things you should keep in mind. Be sure to make your discovery requests promptly so that the party to whom they are directed has sufficient time to answer or object before the discovery deadline. It also is important for you to respond to any discovery requests you receive. A party who does not respond to discovery requests may be subject to sanctions, including dismissal of his or her lawsuit. Do not send copies of discovery requests or answers to the Court unless directed by the Court to do so. Send a copy of the request to the party from whom you are seeking discovery and keep the

original. Send the original of any responses you provide to the party seeking discovery and keep a copy for your records.

## COUNSEL

You are not entitled to have counsel appointed to represent you in a civil action. A judge has the authority to appoint counsel in exceptional circumstances. If you want a judge to consider appointing counsel to represent you, you may file a motion for appointment of counsel. In the motion you should explain why you think you need an attorney and any efforts you have made to obtain counsel.

Court staff CANNOT recommend individual attorneys.

## THINGS TO KNOW ABOUT REPRESENTING YOURSELF

Once your complaint is assigned a case number everything you receive from the Court about your case will have the case number on it. Everything you send to the Court other than the complaint and motion for leave to proceed *in forma pauperis* must have the case number on it. On pleadings, motions, and papers other than the complaint, you may use a shortened version of the case caption. The shortened version includes the name of the first plaintiff, the case number, and the name of the first defendant. It does not include addresses.

All communications to the Court about your case should be addressed to the Clerk of Court. The addresses is:

Clerk of the Court  
United States District Court  
for the Northern Mariana Islands  
Horiguchi Bldg. - 2nd Floor  
P.O. Box 500687  
Garapan, Saipan, MP 96950

## YOU MUST NOTIFY THE COURT AND ALL PARTIES, IN WRITING, OF ANY CHANGE IN YOUR ADDRESS. FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE.

After you file the complaint no communication about your case should be sent directly to the judge. If you want to ask the Court to order something, you must file a motion. Pleadings and motions should be filed with the Clerk and a copy should be mailed to the attorney representing the defendant(s) or directly to the defendant(s) if he/she does not have an attorney. You must include a certificate of service on anything you file after your complaint showing when you mailed copies and to whom they were sent. The certificate of service appears at the end of the pleading or motion and looks like the sample below (*see Figure 2*).

CERTIFICATE OF SERVICE
I hereby certify that on this ____ day of May 2001, a copy of the foregoing Motion for Extension of Time was mailed, postage prepaid, to:
John Q. Public P.O. Box 500xxx Saipan, MP 96950 Counsel for Defendant John Smith.
_____ (Signature)

FIGURE 2 - Sample Certificate of Service

It is not necessary to state in the certificate of service that copies were sent to the Court or to the Clerk.

You must sign every pleading, motion, and memorandum that you file. If more than one party is representing him/herself in a particular



case, each party representing him/herself must sign each pleading, motion, or other paper submitted on behalf of that party.

There are certain issues that you are expected to try to reach an agreement with the opposing party about before asking the Court to issue an order. If you want an extension of time in which to file something or are having a disagreement about discovery, you are expected to speak with counsel for the other party and try to reach an agreement **before** filing a motion. In your motion, or attached to it, you should include an explanation of what happened when you contacted opposing counsel, i.e., whether he/she agreed to your request or not.

The Clerk of this Court has blank subpoena forms (*see Appendix "G," AO Form 88*). If you want the Court to issue subpoenas you must submit a motion explaining who you want to subpoena and why. Try to file the motion at least two weeks before you will need the subpoenas.

## IF YOU LOSE

**BEFORE FILING SUIT YOU SHOULD CONSIDER THE CONSEQUENCES OF LOSING.** Under limited circumstances the winning party may ask that you be ordered to pay his/her attorneys' fees. The winning party also is entitled to seek certain costs which it incurs during a law suit. These costs can include things such as deposition transcripts, witness fees, copy work expenses, etc. In many cases these costs can easily add up to thousands of dollars. It is common for a winning party to seek these costs from the losing party.

## APPEALS

You may appeal a final decision of this Court to the United States Court of Appeals for the Ninth Circuit. You should consult

Fed.R.App.P. 4 for the time limits for filing an appeal.

The filing fee for an appeal is \$105.00. If you cannot afford to pay the fee you may file a motion for leave to proceed *in forma pauperis* on appeal.

To file an appeal, you must file with the Clerk of this Court a notice of appeal along with one copy for the Court and one copy for each attorney or *pro se* party in the case (other than yourself). A form notice of appeal is available from the Clerk of Court (*see Appendix "H"*). You also must submit to the Clerk of this Court either the filing fee or a motion for leave to proceed *in forma pauperis* (*see Appendix "I."*).

## RESOURCES

The forms referred to in this pamphlet can be obtained from the Clerk's office or from form books in the Court's law library. The Clerk's office is open Monday through Friday, 8:00 a.m. to 3:30 p.m. It is closed on federal holidays. You may also refer to the Court's web site: <http://www.nmid.uscourts.gov>. The Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the District of the Northern Mariana Islands also are available on the Court's web site.

The Court's law library is open from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays.

Additional information about the federal Courts can be found at: <http://www.uscourts.gov>



## APPENDIX

<b>A</b> - SUMMONS IN A CIVIL CASE ( <i>Form AO-440</i> ) .....	9
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AO 440 (Rev. 10/93) Summons in a Civil Action

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United States District Court

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District of the Northern Mariana Islands

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V. SUMMONS IN A CIVIL CASE

CASE NUMBER:

TO: (Name and address of Defendant)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, \_\_\_\_\_ days after service of summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK DATE

(By) DEPUTY CLERK

\_\_\_\_\_ of the United States of America that the foregoing information  
contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

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# APPENDIX - B

JS 44 Reverse (Rev. 12/96)

## INSTRUCTIONS FOR ATTORNEYS COMPLETING Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff agency, use only the full name or standard abbreviations. If the plaintiff first agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the filing. (NOTE: In land condemnation cases, the county of residence of the is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a

(c) Attorneys. Enter the firm name, address, telephone number, and a attachment, noting in this section "see attachment".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P. an "X" in one of the boxes. If there is more than one basis of jurisdiction, p United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and included here.

United States defendant. (2) When the plaintiff is suing the United States, Federal question. (3) This refers to suits under 28 U.S.C. 1331, where amendment to the Constitution, an act of Congress or a treaty of the United defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause.

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.C.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

JS 44 (Rev. 3/99)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS** **DEFENDANTS**

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES) County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number) Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

Citizen of This State ☐ 1 PTF ☐ 1 DEF ☐ 1 Incorporated or Principal of Business In This State

Citizen of Another ☐ 2 PTF ☐ 2 DEF ☐ 2 Incorporated and Principal of Business In Another State

Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF ☐ 3 Foreign Nation ☐ 6 PTF ☐ 6 DEF ☐ 6 Foreign Nation

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 520 Habeas Corpus	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 424 R.R. & Truck	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Death Penalty	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 425 Airline Regs.	<input type="checkbox"/> 440 Commercial/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Other Civil Rights	<input type="checkbox"/> 550 Prison Condition	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 426 Occupational Safety/Health	<input type="checkbox"/> 450 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 250 All Other Real Property			<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 427 Copyrights	<input type="checkbox"/> 460 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle				<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 428 Patents	<input type="checkbox"/> 470 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability				<input type="checkbox"/> 670 Other	<input type="checkbox"/> 429 Trademark	<input type="checkbox"/> 480 Securities/Commodities/Exchange
<input type="checkbox"/> 155 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury				<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 430 Copyrights	<input type="checkbox"/> 490 Customer Challenge 12 USC 3410
					<input type="checkbox"/> 720 Labor/Mgmt. Relations Act	<input type="checkbox"/> 431 Copyrights	<input type="checkbox"/> 500 Agricultural Acts
					<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 432 Copyrights	<input type="checkbox"/> 510 Economic Stabilization Act
					<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 433 Copyrights	<input type="checkbox"/> 520 Environmental Matters
					<input type="checkbox"/> 750 Other Labor Legislation	<input type="checkbox"/> 434 Copyrights	<input type="checkbox"/> 530 Energy Allocation Act
					<input type="checkbox"/> 760 Other Labor Legislation	<input type="checkbox"/> 435 Copyrights	<input type="checkbox"/> 540 Freedom of Information Act
					<input type="checkbox"/> 770 Other Labor Legislation	<input type="checkbox"/> 436 Copyrights	<input type="checkbox"/> 550 Appeal of Fee Determination Under Equal Access to Justice
					<input type="checkbox"/> 780 Other Labor Legislation	<input type="checkbox"/> 437 Copyrights	<input type="checkbox"/> 560 Constitutionality of State Statutes
					<input type="checkbox"/> 790 Other Labor Legislation	<input type="checkbox"/> 438 Copyrights	<input type="checkbox"/> 570 Other Statutory Actions
					<input type="checkbox"/> 800 Other Labor Legislation	<input type="checkbox"/> 439 Copyrights	
					<input type="checkbox"/> 810 Other Labor Legislation	<input type="checkbox"/> 440 Copyrights	
					<input type="checkbox"/> 820 Other Labor Legislation	<input type="checkbox"/> 441 Copyrights	
					<input type="checkbox"/> 830 Other Labor Legislation	<input type="checkbox"/> 442 Copyrights	
					<input type="checkbox"/> 840 Other Labor Legislation	<input type="checkbox"/> 443 Copyrights	
					<input type="checkbox"/> 850 Other Labor Legislation	<input type="checkbox"/> 444 Copyrights	
					<input type="checkbox"/> 860 Other Labor Legislation	<input type="checkbox"/> 445 Copyrights	
					<input type="checkbox"/> 870 Other Labor Legislation	<input type="checkbox"/> 446 Copyrights	
					<input type="checkbox"/> 880 Other Labor Legislation	<input type="checkbox"/> 447 Copyrights	
					<input type="checkbox"/> 890 Other Labor Legislation	<input type="checkbox"/> 448 Copyrights	
					<input type="checkbox"/> 900 Other Labor Legislation	<input type="checkbox"/> 449 Copyrights	
					<input type="checkbox"/> 910 Other Labor Legislation	<input type="checkbox"/> 450 Copyrights	
					<input type="checkbox"/> 920 Other Labor Legislation	<input type="checkbox"/> 451 Copyrights	
					<input type="checkbox"/> 930 Other Labor Legislation	<input type="checkbox"/> 452 Copyrights	
					<input type="checkbox"/> 940 Other Labor Legislation	<input type="checkbox"/> 453 Copyrights	
					<input type="checkbox"/> 950 Other Labor Legislation	<input type="checkbox"/> 454 Copyrights	
					<input type="checkbox"/> 960 Other Labor Legislation	<input type="checkbox"/> 455 Copyrights	
					<input type="checkbox"/> 970 Other Labor Legislation	<input type="checkbox"/> 456 Copyrights	
					<input type="checkbox"/> 980 Other Labor Legislation	<input type="checkbox"/> 457 Copyrights	
					<input type="checkbox"/> 990 Other Labor Legislation	<input type="checkbox"/> 458 Copyrights	

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

**VII. REQUESTED IN COMPLAINT:** ☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ UNDER F.R.C.P. 23 ☐ CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING JUDGE MAG. JUDGE

front side of Civil Cover Sheet

reverse side of Civil Cover Sheet

## APPENDIX - C

AO 240 (Rev. 9/96)

**United States District Court**

District of the Northern Mariana Islands

Plaintiff  
V.  
Defendant

**APPLICATION TO PROCEED  
WITHOUT PREPAYMENT OF  
FEES AND AFFIDAVIT**

CASE NUMBER:

I, \_\_\_\_\_ declare that I am the (check appropriate box)  
☐ petitioner/plaintiff/movant ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☐ Yes ☐ No (If "No," go to Part 2)  
 If "Yes," state the place of your incarceration \_\_\_\_\_  
 Are you employed at the institution? \_\_\_\_\_ Do you receive any payment from the institution? \_\_\_\_\_  
 Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? ☐ Yes ☐ No  
 a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.  
 b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
e. Gifts or inheritances	<input type="checkbox"/> Yes	<input type="checkbox"/> No
f. Any other sources	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

*front side of  
Application to Proceed  
Without Prepayment of Fees  
and Affidavit*

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

\_\_\_\_\_  
Date Signature of Applicant

**NOTICE TO PRISONER:** A Prisoner seeking to proceed IFP shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

*reverse side of  
Application to Proceed Without Prepayment of Fees  
and Affidavit*

# APPENDIX - D

AO 240A (Rev. 1/94)

---

**United States District Court**

---

District of the Northern Mariana Islands

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Plaintiff	<b>ORDER ON APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES</b>
V.	
Defendant	CASE NUMBER: _____

Having considered the application to proceed without prepayment of fees under 28 USC §1915;  
IT IS ORDERED that the application is:

☐ GRANTED.

☐ The clerk is directed to file the complaint.

☐ IT IS FURTHER ORDERED that the clerk issue summons and the United States marshal copy of the complaint, summons and this order upon the defendant(s) as directed by the plaintiff. All costs of service shall be advanced by the United States.

☐ DENIED, for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

ENTER this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Name and Title of Judicial Officer

*Order on Application to Proceed Without Prepayment of Fees*

# APPENDIX - E

JSAO 308 (Rev. 12/93)

**NOTICE OF LAWSUIT AND REQUEST FOR  
WAIVER OF SERVICE OF SUMMONS**

TO: (A) \_\_\_\_\_  
as (B) \_\_\_\_\_ of (C) \_\_\_\_\_

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_  
(D) \_\_\_\_\_ and has been assigned docket number (E) \_\_\_\_\_.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) \_\_\_\_\_ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Plaintiff's Attorney  
or Unrepresented Plaintiff

A—Name of individual defendant (or name of officer or agent of corporate defendant)  
B—Title, or other relationship of individual to corporate defendant  
C—Name of corporate defendant, if any  
D—District  
E—Docket number of action  
F—Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver

*Notice of Lawsuit and Request for Waiver of Service of Summons*



# APPENDIX - F

AO 309 (Rev. 10/95)

### WAIVER OF SERVICE OF SUMMONS

TO: \_\_\_\_\_  
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, \_\_\_\_\_, acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of \_\_\_\_\_,  
(CAPTION OF ACTION)

which is case number \_\_\_\_\_ in the United States District Court  
(DOCKET NUMBER)

for the \_\_\_\_\_ District of \_\_\_\_\_.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after \_\_\_\_\_, or within 90 days after that date if the request was sent outside the United States. (DATE REQUEST WAS SENT)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE)

Printed/Typed Name: \_\_\_\_\_

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

#### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

*Waiver of Service of Summons*

## APPENDIX - G

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the  
**United States District Court**  
 District of the Northern Mariana Islands

V.

**SUBPOENA IN A CIVIL CASE**

Case Number:<sup>1</sup>

TO:

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
---	------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

*front side of  
 Subpoena in a Civil Case*

<b>F SERVICE</b>
PLACE
MANNER OF SERVICE
TITLE
<b>ON OF SERVER</b>
aws of the United States of America that the foregoing and correct.
SIGNATURE OF SERVER
ADDRESS OF SERVER

*reverse side of  
 Subpoena in a Civil Case*

# APPENDIX - H

<b>United States District Court</b> District of the Northern Mariana Islands	
<div style="border-bottom: 1px dotted black; margin-bottom: 2px;"></div> <div style="border-bottom: 1px dotted black; margin-bottom: 2px;"></div> <div style="border-bottom: 1px dotted black; margin-bottom: 2px;"></div> <div style="border-bottom: 1px dotted black; margin-bottom: 2px;"></div> <div style="text-align: center;">Plaintiff(s)</div> <div style="border-bottom: 1px dotted black; margin-bottom: 2px;"></div> <div style="text-align: center;">V.</div> <div style="border-bottom: 1px dotted black; margin-bottom: 2px;"></div> <div style="border-bottom: 1px dotted black; margin-bottom: 2px;"></div> <div style="border-bottom: 1px dotted black; margin-bottom: 2px;"></div> <div style="text-align: center;">Defendant(s)</div>	<p>CASE NUMBER: _____</p> <p><b>NOTICE OF APPEAL</b></p> <p>Notice is hereby given that _____ <small>name all parties taking the appeal</small> (plaintiffs)(defendants) in the above named case, hereby appeal to the United States Court of Appeals for the Ninth Circuit, the _____ <small>describe final judgment or order appeal from</small></p> <p>entered in this action on the _____ day of _____, _____.</p> <p>Signature _____</p> <p>Print or type name _____</p> <p>Mailing Address _____</p> <p>City _____ State _____ Zip Code _____</p> <p>Telephone No. _____ Fax No. _____</p>

*Notice of Appeal*

# APPENDIX - I

AO 240 (Rev. 6/86) Application to Proceed

United States District Court

DISTRICT OF \_\_\_\_\_

APPLICATION TO PROCEED IN  
FORMA PAUPERIS, SUPPORTING  
DOCUMENTATION AND ORDER

V.

CASE NUMBER: \_\_\_\_\_

I, \_\_\_\_\_, declare that I am the (check appropriate box)

☐ petitioner/plaintiff ☐ movant (filing 28 U.S.C. 2255 motion)

☐ respondent/defendant ☐ \_\_\_\_\_ other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

In further support of this application, I answer the following questions.

1. Are you presently employed? Yes ☐ No ☐

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment Yes ☐ No ☐

b. Rent payments, interest or dividends? Yes ☐ No ☐

c. Pensions, annuities or life insurance payments? Yes ☐ No ☐

d. Gifts or inheritances? Yes ☐ No ☐

e. Any other sources? Yes ☐ No ☐

front side of  
Application to Proceed in  
Forma Pauperis, Supporting  
Documentation and Order

\_\_\_\_\_," describe each source of money and state the twelve months.

money in checking or savings accounts?  
(include money in prison accounts.)  
value of the items owned.

in any real estate, stocks, bonds, notes,  
or other property (excluding ordinary household furnishings  
and equipment) owned by you or for your use,  
state its approximate value.

upon whom you rely for support, state your relationship to  
them and how you contribute toward their support.

\_\_\_\_\_ the foregoing is true and correct.

Executed on \_\_\_\_\_ (Date) \_\_\_\_\_ Signature of Applicant

**CERTIFICATE**  
(Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ \_\_\_\_\_  
on account to his credit at the \_\_\_\_\_  
institution where he is confined. I further certify that the applicant likewise has the following securities to  
his credit according to the records of said institution: \_\_\_\_\_

I further certify that during the last six months the applicant's average balance was \$ \_\_\_\_\_

\_\_\_\_\_ Authorized Officer of Institution

**ORDER OF COURT**

The application is hereby denied

\_\_\_\_\_ United States Judge \_\_\_\_\_ Date \_\_\_\_\_

The application is hereby granted. Let the  
applicant proceed without prepayment of  
cost or fees or the necessity of giving secur-  
ity therefor.

\_\_\_\_\_ United States Judge \_\_\_\_\_ Date \_\_\_\_\_  
or Magistrate

reverse side of  
Application to Proceed in Forma Pauperis, Supporting  
Documentation and Order

United States District Court  
for the Northern Mariana Islands  
2<sup>nd</sup> Floor, Horiguchi Building  
Beach Road, Garapan  
P.O. Box 500687  
Saipan, MP 96950

Internet Address: <http://www.nmid.uscourts.gov>